Genghis Khan Ali Stevenson
NAME
P.46050
PRISON NUMBER
P.O. BOX 3481, 4001 KING AVE
CURRENT ADDRESS OR PLACE OF CONFINEMENT
CORCORAN, CA. 93212
CITY, STATE, ZIP CODE

2254 ✓ 1983
FILING FEE PAID
Yes ✓ No
IFP MOTION FILED
Yes No ✓
COPIES SENT TO
Court ✓ ProSe

FILED
JUN 2 4 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Genghis Khan Ali Stevenson,
(FULL NAME OF PETITIONER)

PETITIONER

v.

DERRAL G. ADAMS (WARDEN),
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS])

RESPONDENT

and

The Attorney General of the State of California, Additional Respondent.

Civil No. '08 CV 1126 W LSP
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack: Imperial County Superior Court, in the State of California
2. Date of judgment of conviction: Feburary 28, 2006
3. Trial court case number of the judgment of conviction being challenged: JCF 16209
4. Length of sentence: 6 years

5. Sentence start date and projected release date: 2014 to July 2020

6. Offense(s) for which you were convicted or pleaded guilty (all counts): Possession of A WEApon by A STATE Prisoner And one prior strike conviction

7. What was your plea? (CHECK ONE)
   (a) Not guilty ☐
   (b) Guilty ☐
   (c) Nolo contendere ☑

8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
   (a) Jury ☐
   (b) Judge only ☐

9. Did you testify at the trial?
   ☐ Yes ☐ No

DIRECT APPEAL (Collateral Review in State Court)

10. Did you appeal from the judgment of conviction in the **California Court of Appeal**?
    ☑ Yes ☐ No

11. If you appealed in the **California Court of Appeal**, answer the following:
    (a) Result: Denied; writ of Habeas Corpus (Enclosed)
    (b) Date of result, case number and citation, if known: CASE NO. D048642 June 29 2006
    (c) Grounds raised on direct appeal: Petitioner was induced to Enter A No Contest Plea because he was Force by Trial court to proceed with legal Representation Provide by the COURT. Equal Protection and Due Process, Along Ineffective Assistance of counsel, violation

12. If you sought further direct review of the decision on appeal by the **California Supreme Court** (e.g., a Petition for Review), please answer the following:
    (a) Result: Denied; writ of Habeas Corpus (Enclosed)
    (b) Date of result, case number and citation, if known: CASE NO. S149105 June 13, 2007
    (c) Grounds raised: Petitioner was induced to Enter A No contest Plea because he was force by Trial court to Proceed with legal Representation Provide by The Court. Equal Protection and Due Process, Along Ineffective Assistance of counsel violation

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:
    (a) Result: ______
    (b) Date of result, case number and citation, if known: ______
    (c) Grounds raised: ______

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?
☑ Yes ☐ No (check previous page)

15. If your answer to #15 was "Yes," give the following information:
    (a) California Superior Court Case Number: ______
    (b) Nature of proceeding: ______
    (c) Grounds raised: ______
    (d) Did you receive an evidentiary hearing on your petition, application or motion?
    ☐ Yes ☐ No
    (e) Result: ______
    (f) Date of result: ______

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?
☐ Yes ☐ No

17. If your answer to #17 was "Yes," give the following information:
    (a) California Court of Appeal Case Number: ______
    (b) Nature of proceeding: ______
    (c) Grounds raised: ______

____

____

____

(d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☐ No

(e) Result: ____

(f) Date of result: ____

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Supreme Court?
☐ Yes ☐ No

19. If your answer to #19 was "Yes," give the following information:

(a) California Supreme Court Case Number: ____

(b) Nature of proceeding: ____

____

(c) Grounds raised: ____

____

____

____

____

(d) Did you receive an evidentiary hearing on your petition, application or motion?

☐ Yes ☐ No

(e) Result: ____

(f) Date of result: ____

20. If you did *not* file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court, containing the grounds raised in this federal Petition, explain briefly why you did not:

____

____

____

____

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your first federal petition for writ of habeas corpus challenging this conviction?
☑ Yes ☐ No (IF "YES" SKIP TO #11)
   (a) If no, in what federal court was the prior action filed? ____________
      (i) What was the prior case number? ____________
      (ii) Was the prior action (CHECK ONE):
         ☐ Denied on the merits?
         ☐ Dismissed for procedural reasons?
      (iii) Date of decision: ____________
   (b) Were any of the issues in this current petition also raised in the prior federal petition?
      ☐ Yes ☐ No
   (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?
      ☐ Yes ☐ No

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present *all* other grounds to the California Supreme Court before raising them in your federal Petition.

- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.

- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

GROUNDS FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE**: Ineffective Assistance of Counsel, Base on a No Contest Plea because Petitioner was force by Trial Court to Proceed with legal Representation Provide by the Court, Violation of Equal Protection and Due Process

Supporting FACTS (state *briefly* without citing cases or law) Petitioner, Counsel Jim Johnson of the Imperial County Public Defender's office, Inform Petitioner that there was to many witness's to investigate or question at Calipatria State Prison A-yard facility, Even though there was multiple individual's who witness the incident which Petitioner was charge with. Petitioner, inform Mr. Johnson About A inmate Brian shepperd, who had Possession of the weapon that Petitioner Plead no contest, so counsel can file a 995 motion to dismiss on the Evidence, he Refuse. Also, Petitioner was inform by Mr. Johnson, that he will not investigate or question no witness's at Calipatria State Prison A-yard facility for it being time consuming, and that Petitioner need's to take the Plea offer by the Imperial County District Attorney. Petitioner Immediately set a verbal Motion for A Marsden Hearing to dismiss his counsel, in the Proceeding Court on Feburary 27, 2006. The court granted the Marsden Hearing, After Petitioner Explain the lack of Assistance Mr. Johnson was to his defense, the court Refuse to Dismiss Mr. Johnson From Petitioner case, this cause A conflict of interest between Petitioner and counsel. The following day Feburary 28, 2006 Petitioner Enter A No Contest Plea.
Petitioner, has been in Solitary confinement since April 22, 2004 No High school Diploma, A layman to the law, have sent multiple letters to the Imperial County Public Defender office to Request

Did you raise GROUND ONE in the California Supreme Court?
☑ Yes ☐ No.

(b) **GROUND TWO**:

Supporting **FACTS** (state *briefly* without citing cases or law): his CASE File NO Response. Petitioner Sent Request to the Imperial county court OF The clerk, to Receive A copy of the court order of inmate Brian Shepperd to be present At court, NO Response.

Did you raise GROUND TWO in the California Supreme Court?
☐ Yes ☐ No.

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?
☐ Yes ☒ No

24. If your answer to #23 is "Yes," give the following information:
(a) Name of Court: ______
(b) Case Number: ______
(c) Date action filed: ______
(d) Nature of proceeding: ______
(e) Grounds raised: ______
(f) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☐ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
(a) At preliminary hearing: ______
(b) At arraignment and plea: Impeial county Public Defender office, Attorney Jim Johnson
(c) At trial: ______
(d) At sentencing: ______
(e) On appeal: ______
(f) In any post-conviction proceeding: ______
(g) On appeal from any adverse ruling in a post-conviction proceeding: ______

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?
☐ Yes ☐ No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
☐ Yes ☑ No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?
☐ Yes ☐ No

28. Date you are mailing (or handing to a correctional officer) this Petition to this court: June 10, 2008

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

[signature] (Pro-Se)
SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

June 10, 2008
(DATE)

[signature]
SIGNATURE OF PETITIONER

COURT OF APPEAL - FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

Stephen M. Kelly, Clerk
JUN 29 2006
Court of Appeal Fourth District

In re GENGHIS KHAN ALI STEVENSON on Habeas Corpus.	D048642 (Imperial County Super. Ct. No. JCF 16209)

THE COURT:

The petition for a writ of habeas corpus has been read and considered by Justices Benke, Haller and McIntyre. We have taken judicial notice of Imperial County Superior Court file number JCF16209.

The People charged Genghis Stevenson with assault by a state prisoner, battery on a non-confined person while confined in state prison and possession of a weapon by a state prisoner (Pen. Code, §§ 4501, 4501.5, and 4502, subd. (a),) and alleged Stevenson had various prior convictions. On February 28, 2006, Stevenson entered a negotiated no contest plea to possession of a weapon by a state prisoner and admitted one prior strike conviction. The court immediately sentenced him to the stipulated term of six years in prison.

Stevenson claims he was induced to enter a no contest plea because he had no confidence in his trial counsel. He contends the trial court should have granted his motion for new counsel because counsel did not present evidence another person possessed the weapon.

The record shows on February 27, 2006, the court heard and denied Stevenson's request for new counsel under *People v. Marsden* (1970) 2 Cal.3d 118. The following day Stevenson entered the negotiated plea and acknowledged he entered the plea "freely and voluntarily, without threat or coercion." He also acknowledged he pleaded no contest "to avoid the harsher consequences that could result if [he were] convicted at trial." Stevenson waived his appeal rights, including review of the order denying his

Marsden motion Stevenson has not shown his plea was other than knowing and voluntary and he received the benefit of his bargain.

The petition is denied.

Benke

BENKE, Acting P. J.

Copies to: All parties

S149105

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re GENGHIS KHAN STEVENSON on Habeas Corpus

The petition for writ of habeas corpus is denied.

SUPREME COURT
FILED
JUN 13 2007
Frederick K. Ohlrich Clerk
DEPUTY

GEORGE

Chief Justice

PROOF OF SERVICE BY MAIL

I, Genghis Khan Ali Stevenson, declare that I am over 18 years of age, and a party to the attached herein cause of action, that I reside at California State Prison at Corcoran, in the County of King, California.

My mailing address is: P.O. Box 3481, 4001 King Ave
Corcoran, CA. 93212.

On June 10, 2008, I delivered to prison officials for mailing, at the above address, the attached: Federal Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254

in sealed envelope(s), with postage fully prepaid, and addressed to the following:

(1) United State Distict Court
Southern District of California
880 Front St., Room 4290
San Diego, CA. 92101

(2)

(3)

(4)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 10 day of June, 2008, at California State Prison, Corcoran.

Genghis Khan Stevenson
In Pro Per

JS44

(Rev. 07/89)

CIVIL COVER SHEET

FILED
JUN 24 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

2254 1983
FILING FEE PAID Yes No
IFP MOTION FILED Yes No
COPIES SENT TO Court ProSe

I (a) PLAINTIFFS

Genghis Khan Ali Stevenson

DEFENDANTS

Derral G. Adams

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Kings
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Genghis Khan Ali Stevenson
PO Box 3481
Corcoran, CA 93212
P-46050

ATTORNEYS (IF KNOWN)

'08 CV 1126 W LSP

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

	PT	DEF		PT	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT
☐ 110 Insurance
☐ Marine
☐ Miller Act
☐ Negotiable Instrument
☐ 150 Recovery of Overpayment &Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153Recovery of Overpayment of Veterans Benefits
☐ 160 Stockholders Suits
☐ Other Contract
☐ 195 Contract Product Liability

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectmant
☐ 240 Tort to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury- Medical Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence Habeas Corpus
☒ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC881
☐ 630 Liquor Laws
☐ 640 RR & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (13958)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reappointment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 810 Selective Service
☐ 850 Securities/Commodities Exchange
☐ 875 Customer Challenge 12 USC
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State
☐ 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appelate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 **DEMAND $** Check YES only if demanded in complaint: **JURY DEMAND:** ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE June 24, 2008

~~SIGNATURE OF ATTORNEY OF RECORD~~

152235 $5.00
TB 06/24/08

R Miller

UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 152235 - MB

June 24, 2008
16:01:20

Habeas Corpus
USAO #.: 08CV1126 PRISONER PETITION
Judge..: THOMAS J WHELAN
Amount.: $5.00 CK
Check#.: BC195-194507

Total-> $5.00

FROM: GENGHIS KHAN ALI STEVENSON VS
DERRAL G ADAMS